

Message Text

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ACTION IO-14

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SUBJECT: DEFINITION OF AGGRESSION

1. SMALL NEGOTIATING GROUP OF CONTACT GROUP II CONTINUED CONSIDERATION ARTS 3(G) AND 5 MORNING 21 MAR. IN EFFORT BREAK IMPASSE OVER LANGUAGE 3(G), LAMPTEY (GHANA) SUGGESTED SUBSTITUTION OF "ACTIVE INVOLVEMENT" FOR PRESENT "OPEN AND ACTIVE PARTICIPATION". FRANCE EXPRESSED RESERVATIONS TO THIS, CONSIDERING "INVOLVEMENT" TOO NEBULOUS, BUT ALL GROUP MEMBERS AGREED TO THINK UPON THE IDEA AND RECONSIDER IT LATER. WE AND STEEL (UK) HAVE URGED BESSOU (FRANCE) TO RECONSIDER.

2. ON ART 5, RYBAKOV (SECRETARIAT) PUT FORWARD FOL TEXT, WHICH HE THOUGHT WOULD MEET OBJECTIVE OF BOTH SIDES:

"NONE OF THE PRECEDING PARAGRAPHS MAY BE INTERPRETED AS LIMITING THE SCOPE OF THE CHARTER'S PROVISIONS CONCERNING THE RIGHT OF PEOPLES (BEGIN BRACKETS) UNDER COLONIAL AND RASCIST REGIMES AND OTHER FORMS OF ALIEN DOMINATION (END BRACKETS) TO STRUGGLE FOR THE REALIZATION OF THEIR LEGITIMATE RIGHT TO SELF-DETERMINATION, FREEDOM AND INDEPENDENCE AND

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TO RECEIVE SUPPORT IN ACCORDANCE WITH THE PRINCIPLES

OF THE CHARTER AND IN CONFORMITY WITH THE DECLARATION OF PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS."

GROUP MEMBERS DECIDED TO SLEEP ON THIS PROPOSAL AND COME BACK LATER TO ART 5. COMMENT: DESPITE OBVIOUS DEFECTS THIS PROPOSAL IS USEFUL IN DISPLACING CURRENT TEXT OF ART 5, AS MAIN BASIS DISCUSSION. END COMMENT.

3. BRIEF PLENARY SESSION OF COMMITTEE HELD AFTERNOON 21 MAR. BROMS (CHAIRMAN) GAVE BRIEF SUMMARY WORK OF WORKING GROUP AND VARIOUS CONTACT GROUPS. ECUADOR CALLED ATTENTION OF COMMITTEE TO ITS PROPOSALS, INCLUDING PROPOSAL TO DELETE REFERENCE TO "MARINE AND AIR FLEETS" IN ART 3(D). INDONESIA REJOINED THAT IT HAD ALSO PROPOSED SAME CHANGE TO 3(D), BUT NOT WILLING TO WITHDRAW IT.

4. THIRD CONTACT GROUP THEN BEGAN CONSIDERATION ART 6, WITH WANG OF CANADA AS CHAIRMAN, SEVERAL DELS, INCLUDING USSR, YUGOSLAVIA, EGYPT, ROMANIA AND MEXICO PROPOSED THAT AGGRESSION BE REFERRED TO AS "A CRIME AGAINST INTERNATIONAL PEACE". FRANCE OBJECTED, ON JURIDICAL GROUNDS TO REFERENCE TO "CRIME" IN THIS CONTEXT. UK AND AUSTRALIA ARGUED THAT LANGUAGE IN FRIENDLY RELATIONS DECLARATION IDENTIFYING "WARS OF AGGRESSION" AS CRIMES WAS MORE APPROPRIATE. SOVIET AND EGYPTIAN DELS DENOUNCED UK/AUSTRALIA POSITION AT LENGTH AND WITH GREAT APPARENT EMOTION. AT CONCLUSION DEBATE, FRANCE INDICATED IT MIGHT BE WILLING TO YIELD ON ITS OPPOSITION TO "CRIME" IF THAT WAS MAJORITY VIEW. CONTACT GROUP III WILL RESUME WORK ON 25 MAR.
SCHAUFLE

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